

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1-40 remain pending. Claims 1, 5, 18, 19, 24, and 40 are independent.

INTERVIEW CONDUCTED

Applicants thank the Examiner and his Supervisor for conducting an interview with Applicants' representative on May 5, 2004.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 26-28 are indicated to define allowable subject matter.

§ 103 REJECTION - TAKAYAMA, MIYAKE

Claims 1-4, 12-14, 18-20, 22-23, 24-25, 30-33, and 36-40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takayama (USPN 6,512,791) in view of Miyake et al. (Patent Pub. No. US 2002/0102027 A1, hereinafter "Miyake"). Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See M.P.E.P. 2142. One

requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See M.P.E.P. 2142; M.P.E.P. 706.02(j). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

The combination of Takayama and Miyake cannot be relied upon to teach or suggest all features of the rejected claims. For instance, independent claim 1 recites, in part "wherein the code is non-orthogonal to the image data." Independent claims 18, 19, and 24 recite similar features.

It is abundantly clear that Takayama cannot be relied upon to teach or suggest at least this feature. Takayama is directed toward an image processing apparatus which encodes and outputs an image signal inputted from an image pickup section. See Takayama, column 1, lines 9-12. In all embodiments of Takayama, only orthogonal transformation is used, for example, discrete cosine transformation (DCT). Takayama is absolutely silent regarding using any type of transformation other than orthogonal transformation. See e.g., Figs. 1, 3, 4, 7, 9, 10, 12, 14, and 17.

It is also abundantly clear that Miyake does not teach or suggest at least this feature. Like Takayama, Miyake is also

directed toward an image encoding method and apparatus. Also like Takayama, the only type of transformation discussed in Miyake are orthogonal transformations. See e.g. Miyake, Paragraphs 0104, 0163, 0180, etc. Indeed the entire thrust of both Takayama and Miyake are to perform orthogonal transformation of input image data for compression. Therefore, neither Takayama nor Miyake can be relied upon to teach or suggest at least the above-recited feature of the code output from the coding circuit being non-orthogonal to the image data. Thus, for at least this reason, independent claims 1, 18, 19, 24, and 40 are distinguishable over the combination of Takayama and Miyake. Claims 2-4, 12-14, 20, 22-23, 25, 30-33, and 36-39 depend from independent claims 1, 18, 19 and 24 directly or indirectly.

Therefore, for at least due to the dependency thereon as well as on their own merits, these dependent claims are also distinguishable over the combination of Takayama and Miyake.

Applicants respectfully request that the rejection of claims 1-4, 12-14, 18-20, 22-23, 24-25, 30-33, and 36-40 based on the combination of Takayama and Miyake be withdrawn.

§ 103 REJECTION - TAKAYAMA, MIYAKE, IWASAKI

Claims 5-11, 15-17, 21, 29, and 34-35 stand rejected under 35 USC §103(a) as being unpatentable over Takayama in view of

Miyake and in view of Iwasaki et al. (USPN 5,414,487, hereinafter "Iwasaki"). Applicants respectfully traverse.

Like other independent claims, independent claim 5 also recites, in part "wherein the code is non-orthogonal to the image data." It has been shown above that the independent claims are distinguishable over the combination of Takayama and Miyake. Iwasaki has not been, and indeed cannot be, relied upon to cure at least this deficiency of the combination of Takayama and Miyake.

Therefore, all independent claims are distinguishable over the combination of Takayama, Miyake and Iwasaki. Claims 6-11, 15-17, 21, 29, and 34-35 depend from independent claims 5, 19, and 24 directly or indirectly. Therefore, for at least due to the dependency thereon as well as on their own merits, these dependent claims are also distinguishable over the combination of Takayama, Miyake and Iwasaki.

Applicants respectfully request that the rejection of claims 5-11, 15-17, 21, 29, and 34-35 based on the combination of Takayama, Miyake and Iwasaki be withdrawn.

CONCLUSION

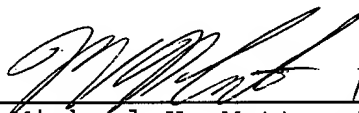
All rejections raised having been addressed, it is respectfully submitted that the present application is in condition for

Serial No. 09/337,494
Docket No. 1163-242P
Group Art Unit 2612
Page 20

allowance, and such allowance is earnestly solicited. However, should there be any outstanding matters that may be resolved by a telephone conference, the Examiner is invited to contact Hyung Sohn (Reg. No. 44,346) at 703-205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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